

Remarks

Applicants respectfully request reconsideration of the claims of this application as amended above in view of the following remarks.

Applicants note with appreciation the Examiner's indication that claims 9 and 10, as originally presented, are allowed. Applicants have reviewed claims 9 and 10 to confirm the definiteness of the claims and Applicants propose a minor clarifying amendment as noted below. Applicants have also amended claim 5 to focus on the claimed combination that was indicated by the Examiner to not be suggested by the prior art. In the Examiner's indication of allowable subject matter, the first and second tubular frame members and upstanding walls of the battery tray that are secured to the frame members as claimed represent allowable subject matter.

Claim 1 has been amended to claim a support structure for storing accessories in an engine compartment of a vehicle that has a frame. Nowhere in the Wu reference is it taught or suggested to store anything but vehicle batteries. Applicants disclose in paragraph 12 that the invention may be used to support an engine compartment accessory. As claimed in amended claim 1, the accessory tray is specified as being secured to a side wall of a first tubular member and to a top surface of the base support portion of the second tubular member.

The Wu patent discloses a battery housing 100 for a medical scooter. The problems addressed by the Wu patent are related to mounting, dismounting and recharging batteries. The housing 100 has a movable base 10 and two elastic conductive plates 30 that are provided to facilitate mounting and dismounting batteries. The surface on which the batteries are supported is plate 220 that is secured to the bottom of a longitudinally extending tube and on top of a transversely extending tube. Claim 1 specifies that the accessory tray is supported on a top surface of the base support that is part of the tubular member and is secured to a side wall of the other tubular member.

Claims 2-4 have been amended to conform the preamble of the claim to claim 1, as amended. In addition, claim 4 has been amended to delete excess limitations relating to the relationship of the front wall to the longitudinally extending portion and transverse extending portion of the first tubular frame member.

Claim 5 has been amended to more clearly recite that the battery support assembly is for a vehicle. It has also been amended to indicate that the first and second tubular members form part of the frame of the vehicle. In addition, claim 5 has been amended to state that the battery tray has a supporting surface and at least two upstanding side walls. The battery tray is secured to the transversely extending portion by one of the upstanding side walls and the battery tray is secured to the longitudinally extending portion of the first tubular frame member by another upstanding side wall. The battery tray is further secured to the base support portion of the second tubular member.

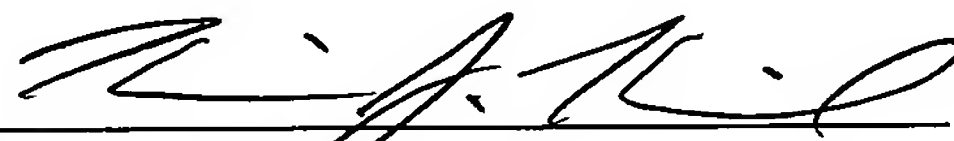
Claims 6-8 have been amended to conform the preamble to the preamble of amended claim 5.

Claim 9 was indicated to be allowable, but in reviewing the claim, Applicants noted that as originally presented, claim 9 referred to a plurality of side supports and then referred to the side supports as side wall supports. Applicants have amended claim 9 to provide proper antecedent basis for the term "side wall support." In addition, Applicants have amended claim 9 to state that at least one of the upstanding side walls is secured to one of the side wall supports of the tubular frame members. As shown in the drawing of the application at Figures 2 and 3, the battery assembly includes a plurality of side walls, but only one of the side walls is secured to one of the side wall supports. As previously presented, claim 9 required that each of the upstanding side walls be secured to one of the side wall supports. It is respectfully submitted that this amendment to claim 9 does not change the scope and should render the claim more definite.

Claim 10 has been amended to refer to a tray support instead of a base support since the support is for the battery tray that is subsequently recited in the claim. In addition, claim 10 has been amended to refer to at least one of the plurality of upstanding walls being secured to the side portion of the tray support. This is to clarify that the plurality of upstanding side walls are not all secured to the side portion, but only one is secured.

Applicants have amended the claims of the application to place this case in condition for allowance. The Examiner is respectfully requested to telephone Applicants' attorney if it would advance the prosecution of this case. The Examiner is respectfully requested to pass this case to issue.

Respectfully submitted,
LARRY DUPUIS, et al.

By 
Kevin J. Hejral
Reg. No. 29,805
Attorney/Agent for Applicant

Date: March 29, 2006

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351